

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL HARBOUR,

Defendant.

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8:14CR259

ORDER

This matter is before the court on the government's motion to continue (Filing No. 20). The government represents that DNA testing requested by the defendant is not complete. The government seeks a continuance of the trial scheduled for September 22, 2014. Government's counsel represents that defense counsel has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. The motion to continue trial (Filing No. 20) is granted.
2. Trial of this matter is re-scheduled for **November 10, 2014**, before Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **September 15, 2014, and November 10, 2014**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 15th day of September, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge